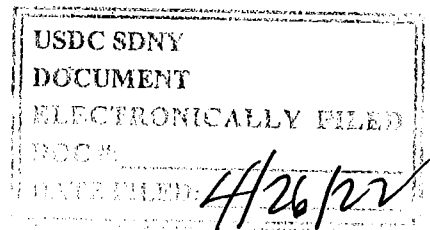


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
SANJAY TRIPATHY,

Plaintiff,

v.

FEUZ, Social Worker, SOCTP Program Fishkill
CF, et al.,Defendants.
-----X**ORDER**

21 CV 5349 (VB)

Copies Mailed/Faxed 4/26/22
Chambers of Vincent L. Briceotti DJT

On April 8, 2022, defendants moved to dismiss the complaint and supplemental pleading. (Doc. #46).

On April 11, 2022, the Court ordered that by no later than April 18, 2022, plaintiff must notify the Court by letter whether he (i) intends to file an amended complaint in response to the motion to dismiss, or (ii) will rely on the complaint that is the subject of the motion to dismiss. (Doc. #48).

On April 15, 2022, the Court received a letter from plaintiff dated April 13, 2022—which shall be separately docketed—styled as a “Motion for Declaratory Judgement under Fed. R. Civ. P. 57.” Plaintiff’s motion contains new allegations against defendant Ryan Brotz and other unspecified defendants, contending that defendants retaliated against him for his actions taken in connection with the instant lawsuit. Because plaintiff’s allegations in the April 13 letter concern transactions, occurrences, or events that allegedly happened after the date of plaintiff’s original pleadings, the Court construes plaintiff’s motion as a second Motion for Supplemental Pleading under Fed. R. Civ. P. 15(d).

On April 21, 2022, the Court received a letter from plaintiff, dated April 18, 2022, responding to the Court’s April 11, 2022, Order regarding defendants’ motion to dismiss. (Doc. #49). Plaintiff writes that he “intends to oppose the Defendants[’] motion with additional

facts/development in a Supplemental Motion, supporting his complaint and supplemental complaint, due to numerous [ongoing] developments all related to this controversy.” (Id.). Plaintiff requests that the Court “grant him until 5/10/2022” to finalize his response. (Id.).

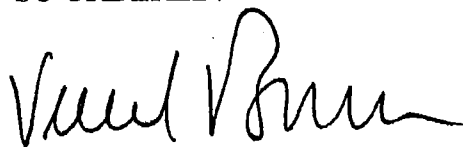
Accordingly, IT IS HEREBY ORDERED:

1. By May 10, 2022, plaintiff shall file a **single, amended complaint** that contains all the information necessary for all of his claims, including: the claims brought in his initial complaint (Doc. #1); the claims brought in his first supplemental pleading (Doc. #40); and the claims he seeks to bring in a second supplemental pleading, as described in his letter dated April 13, 2022. This amended complaint shall also address any deficiencies made apparent by the fully briefed arguments in defendants’ motion to dismiss. **To be clear, the amended complaint will completely replace the original complaint, the supplemental pleading, and their attachments.** **Therefore, plaintiff should include in the amended complaint all information necessary for his claims.**
2. Within 21 days after the amended complaint is filed, defendants may either file an answer to the amended complaint or file a motion to dismiss the amended complaint. If defendants move to dismiss the amended complaint, the Court will set a schedule for plaintiff’s opposition and defendants’ reply.
3. The Clerk is instructed to terminate the motion to dismiss (Doc. #46) as moot.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: April 25, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti, U.S.D.J.